

■ ACQUIRING SURPLUS FEDERAL PROPERTY

How the Federal Lands to Parks Program helps turn unused government land into a park for your town or county

Acquiring property through the Federal Lands to Parks program begins when a government agency announces the availability of federal property. If no other federal agencies want the property, the site is deemed surplus to the needs of the Federal government and is available for state or local government use. If no requests are made to use the property for homeless assistance under the McKinney Act, the agency disposing of the land then establishes what type of future use is appropriate for the site. If they deem a site appropriate for park and recreational use, the Federal Lands to Parks Program gets involved. Transferring property for public park and recreational uses involves the following steps:

1. NOTIFICATION

Within 20 days of determining that a parcel is surplus, any state or local government wishing to acquire the property for park and recreational use must submit a written expression of interest to the National Park Service. The National Park Service then notifies the disposing agency of the interest in the property and establishes a time frame for the state or local government to submit an application. The program does not give special priority for acquiring surplus Federal property to any particular level of government.

2. APPLICATION

Next, the state or local government must submit an application to the National Park Service that describes the need, the suitability, and the applicant's proposed use of the property, as well as the ability of the applicant to administer the park and recreation program. If the National Park Service approves the application, they request the property from the disposing agency, and work as an advocate on behalf of the community and its request for park land.

3. CONVEYANCE

Prior to assigning the property to the National Park Service, the disposing agency must comply with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended [42 U.S.C. § 9620(h)], which requires federal agencies to address threats posed by any hazardous substances on their property.

After the disposing agency assigns the property to the National Park Service, the applicant must assume constructive possession of it immediately. Under constructive possession, the applicant takes interim control of the property.

After the surplus federal property is officially conveyed to the state or local government, the National Park Service monitors the use of the land and facilities to ensure they are managed according to the terms and conditions of the deed. This monitoring ensures continued public access, recreational use, and stewardship of resources.

